IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2046 OF 2006

Vishnu Punjaram Kedare. .. Petitioner .

vs.

Anita V. Kedare

& Anr. . .. Respondents.

Ms. Preetam Tendulkar i/by M.S. Karnik

for petitioner.

CORAM : A.P. DESHPANDE, J.

DATE : 10th November, 2006.

P.C.

. Aggrieved by an order passed by the trial Court dated 20.1.2006 the present writ petition has been filed. The impugned order refuses permission to the present petitioner to lead secondary evidence. It is the case of the petitioner that the respondent had sworn an affidavit which is in possession of the respondent and a Xerox copy of the same is tried to be tendered in secondary evidence. On an earlier occasion when the petitioner moved an application seeking direction against the respondent for production of the said document, the trial Court has on facts held that the said document is not in

possession of the respondent and hence declined to grant any order thereon. It is relevant to note that the evidence of the respondent is already over. The respondent was not confronted with the said document during the cross-examination and not even a suggestion was made to her touching the said document. In view of the fact that the petitioner has failed to confront the witness with the said document, the trial court has rejected the application.

2. Perused the order. The same does not suffer from any illegality or impropriety. Hence, no interference is called for. Petition is summarily rejected.

(A.P. Deshpande, J.)